

DANIEL R. MCNUTT (SBN 7815)  
MATTHEW WOLF (SBN 108001)  
CARBAJAL & MCNUTT, LLP  
625 South Eighth Street  
Las Vegas, Nevada 89101  
Telephone: (702) 384-1170  
Facsimile: (702) 384-5529  
[drm@cmlawnv.com](mailto:drm@cmlawnv.com)  
[mcw@cmlawnv.com](mailto:mcw@cmlawnv.com)

CHRISTOPHER J. MAJOR \*  
MEISTER SEELIG & FEIN LLP  
125 Park Avenue, 7th Floor  
New York, NY 10017  
Telephone: (212) 655-3500  
Facsimile: (212) 655-3535  
[cjm@msf-law.com](mailto:cjm@msf-law.com)  
\* Admitted Pro Hac Vice  
*Attorney for Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JEFFREY SOFFER, an individual; )  
JACQUELYN SOFFER, an individual; )  
TURNBERRY CAPITAL, LLC, a Florida )  
limited liability company, J & JS TOWN )  
SQUARE, LLC, a Delaware limited liability )  
company, and TURNBERRY TOWN )  
SQUARE, LLC, a Delaware limited liability )  
company, )

Plaintiffs, )

vs. )

FIVE MILE CAPITAL PARTNERS LLC, a )  
Delaware limited liability company; FIVE )  
MILE CAPITAL II POOLING )  
INTERNATIONAL, LLC, a Delaware limited )  
liability company; FIVE MILE CAPITAL II )  
TOWN SQUARE SPE, LLC, a Delaware )  
limited liability company; JAMES G. )  
GLASGOW, JR., an individual; DAVID J. )  
LATTIMER, an individual; DOES 1-10, )  
ROES 1-10, )

Defendants. )

Case No.: 2:12-cv-1407 RFB-GWF

**NOTICE OF SETTLEMENT**

PLEASE TAKE NOTICE that the parties have settled the above-referenced matter.  
A fully executed settlement agreement has been exchanged. The Parties jointly request that  
all pre-trial deadlines and hearings be vacated and that the Court adjourn the scheduled trial

for approximately three months subject to the Court's calendar in contemplation of the filing of a stipulation of dismissal with prejudice within thirty business days.

DATED this 13<sup>th</sup> day of September, 2016.

CARBAJAL & MCNUTT, LLP

McDONALD CARANO WILSON LLP

/s/ Dan McNutt

Dan McNutt (NSBN 7815)  
Matthew Wolf (NSBN 6247)  
625 South Eighth Street  
Las Vegas, Nevada 89101  
drm@cmlawnv.com  
hjc@cmlawnv.com

and

MEISTER SEELIG & FEIN LLP  
Stephen B. Meister  
Christopher J. Major  
125 Park Avenue, 7th Floor  
New York, NY 10017  
*Attorneys for Plaintiffs*

/s/ Pat Lundvall

James W. Bradshaw (NSBN 1638)  
Pat Lundvall (NSBN 3761)  
Kristen T. Gallagher (NSBN 9561)  
2300 West Sahara Avenue, Suite 1000  
Las Vegas, Nevada 89102  
jbradshaw@mcdonaldcarano.com  
lundvall@mcdonaldcarano.com  
kgallagher@mcdonaldcarano.com

HAYNES AND BOONE, LLP  
David Fleischer  
30 Rockefeller Plaza, 26th Floor  
New York, NY 10112  
david.fleischer@haynesboone.com  
*Attorneys for Defendants*

**IT IS SO ORDERED:**

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

DATED: \_\_\_\_\_

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 13<sup>th</sup> day of September, 2016, I caused service of the foregoing **NOTICE OF SETTLEMENT** via electronic mail through the United States District Court's CM/ECF system to the following at the e-mail address provided in the e-service list:

James W. Bradshaw (NSBN 1638)  
Pat Lundvall (NSBN 3761)  
Kristen T. Gallagher (NSBN 9561)  
McDONALD CARANO WILSON LLP  
2300 West Sahara Avenue, Suite 1200  
Las Vegas, Nevada 89102  
[jbradshaw@mcdonaldcarano.com](mailto:jbradshaw@mcdonaldcarano.com)  
[plundvall@mcdonaldcarano.com](mailto:plundvall@mcdonaldcarano.com)  
[kgallagher@mcdonaldcarano.com](mailto:kgallagher@mcdonaldcarano.com)

David Fleischer (admitted *pro hac vice*)  
Louis Solomon (admitted *pro hac vice*)  
HAYNES AND BOONE, LLP  
30 Rockefeller Center, 26th Floor  
New York, NY 10112  
[david.fleischer@haynesboone.com](mailto:david.fleischer@haynesboone.com)  
[louis.solomon@haynesboone.com](mailto:louis.solomon@haynesboone.com)

*Attorneys for Defendants*

/s/ Lisa A. Heller  
Employee of Carbajal & McNutt, LLP